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ABSTRACT

The effects of trade union membership on faculty attitude toward university governance are analyzed with attention directed to faculty concepts of the university as an employer. An attempt is made to forecast the inevitable consequences of the growth of academic trade union activity, the factors that influence that growth, and the shift in emphasis from traditional collective bargaining areas to more fundamental issues of university governance. Different attitudes toward university governance in North America, Britain and Ireland, and Continental Europe are considered. The relevance of the traditional aims and objectives of unionized labor in industry, and the ways they have sought to achieve these aims in the university environment are also assessed. (SW)

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COLLECTIVE BARGAINING AND UNIVERSITY GOVERNANCE

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COLLECTIVE BARGAINING AND UNIVERSITY GOVERNANCE

ABSTRACT

North America has been slow to experience the impact of organised faculty on the governing process of universities. The paper analyses the effects of trade union membership on faculty attitude to university governance, in particular on their concept of the university as an employer. The paper attempts to forecast the inevitable consequences of the growth of academic trade union activity, the factors which influence that growth, and the shift in emphasis from traditional collective bargaining areas to more fundamental issues of university governance.

COLLECTIVE BARGAINING AND UNIVERSITY GOVERNANCE

Introduction

Unionisation of Academic staff is a growth area with serious implications for the government of Universities.
University staffs in Britain and Ireland are almost 100% unionised and have been for many years. One result of this has been a move from traditional areas of collective bargaining, e.g. salary negotiations, to much more fundamental issues of university management - in particular the demand of staff to have a role in the governance of universities.

In the mainland of Continental Europe academic staff tend to be employees of the State rather than the individual university. This also has fundamental implications for questions of university governance and the paper will look at these. The paper also looks at the situation in the United States where unionisation of staff continues to grow (112 institutions were organised by April 1978). The paper will examine the different attitudes to university governance in these three widely different geographical areas and in particular will attempt to answer the following questions:

1. Is there a conflict between Faculty membership of Trade Unions, and Faculty participation in Government?
2. To what extent do attitudes to this potential conflict differ as between Britain and Ireland, North America and Continental Europe?
3. How relevant are the traditional aims and objectives of unionised labour in industry, and the ways they have sought to achieve these aims in the university environment?

INDUSTRIAL DEMOCRACY

The debate on Faculty participation in university government, and the attitude of Faculty Unions in that debate, mirrors the discussion on a wider stage on Industrial Democracy, particularly in the wake of the Bullock Report in Great Britain.

That discussion includes parameters not immediately relevant to universities, including shareholder responsibility, and participation in profits, but the essential concentration on improved communications, power-sharing, and improved efficiency are as relevant to Louvain and Oxford as they are to ICI and General Motors.

K.F. Walker, in his "Times Management Lecture" of 1970, defines four types of Industrial Democracy, and they will serve as an introduction to the question of Faculty participation in University government.

(a) Democratisation of Ownership

Worker ownership and control of the enterprise has not been a conspicuous success in Industry, but it has generated useful sub-systems, particularly profit-sharing and employee stock option schemes. The concept of a Faculty owned and operated University is perhaps unreal, and this form is not considered directly relevant.

(b) Democratisation of Government

To see if the industrial model has any relevance, we must examine the function of the Board of Directors or, in Universities, the governing authority. If its main function is to achieve success - through achievement of defined goals, then employee participation is not essential. If, on the other hand, the Board is regarded as a forum of

interest groups, then worker representation is mandatory. A similar discussion revolves around the role of University presidents. Faculty in the United States seek maximum participation in the selection of a President, but willingly permit him a greater degree of personal authority, once in office, than their European counterparts.

(c) Democratisation of the terms of employment

This mirrors the Collective Bargaining models in many Universities, where Faculty seek a major voice in all decisions which affect their personal conditions, but do not necessarily insist on seats at the tables of ultimate power. The Collective Bargaining process inevitably leads to the fourth form of Industrial Democracy, as defined by Walker, which is the

(d) Democratisation of Management

This requires, not only an acceptance of the need for good communications, and the involvement of staff in all major decisions, but the institution of formal Councils in which major issues are debated, between representatives of management and staff. Such Councils, or Consultative Committees, are a feature of University life, but the disenchantment of Industry with a system which appears to promise full consultation, but often degenerates into ineffectual talking-shops, can also find a parrallel in Academe.

THE UNIVERSITY ENVIRONMENT AND FACULTY UNIONS

The industrial argument is increasingly relevant to Universities, and this is due in large measure to the growth in Faculty Unions, particularly in recent years. Unions have traditionally based their strength on their ability to protect the rights of individuals, against the

traditional capitalistic employer, by presenting a united face, and also by their ability to win improved conditions of employment by negotiating as a group, rather than as individuals. It would appear, therefore, that the appeal of academic Unions represents, to some extent, a perception by Faculty that their conditions of employment had fallen behind other groups with whom they drew comparisons, and also some perception of the need to protect the position of individual lecturers or professors.

Recent developments in Universities which have contributed to this growth include:

(a) Politicisation of the University System

Universities have increasingly to function in the national political context - scarcity of funds means that administrators must learn the techniques necessary to compete with other major areas - health, employment protection, etc., and also they have grasped the need to constantly advance the requirement of the third-level system against the competing claims of primary and secondary education. This expertise has forced senior administrators to discuss the objectives of the University in a more pragmatic, and perhaps less palatable, way than their Faculty colleagues. Faculty, for their part, have come to rely on a few of their number who are willing to compete with the administration and speak their language, and, in many cases, to engage the services of professional negotiators to advance their case.

(b) Composition of Governing Bodies

Universities have a number of models of government, but certain basic principles apply:

1. The system will be unicameral, with one body deciding both academic and fiscal matters, or bicameral.

2. The membership of academic bodies in the bicameral system will be predominantly drawn from senior Faculty, but the effective governing body in either system will have membership drawn in varying proportions from some or all of the following:

   (a) State or governmental nominees

   (b) Academic staff

   (c) Support staff

   (d) Students

   (e) Officers and senior administrators of the University.

There is no common formula - the Board of Trustees of the University of Massachusetts, for example, is predominantly appointed by the State, with a student voice, but little or no staff representation, while the Board of Trinity College, Dublin, has no outside representation, and is drawn overwhelmingly from the Faculty. Whatever form they take, governing bodies are not perceived as amenable to approaches from individual Faculty, and in extreme cases may seem to ignore the Faculty voice.

Ross (1976) identifies two major influences in the British system of government - the Oxbridge, which also typifies Trinity College, Dublin, where 'self-government', on the pattern of medieval universities still applies, and Redbrick, typifying the twentieth century establishments, where recognition that universities derive more than 85% of their funds from the public purse led to a large number of 'lay' appointments to the governing bodies, and a proportionally smaller voice for Faculty, particularly the younger and less senior staff.

In the United States there has been a gradual pull-back from the early position, where Faculty had no voice in Government, but the power of the 'lay' voice and of the professional administration is still paramount, and the consequent vulnerability of professors is seen by Ross as undoubtedly one reason for the growth of interest in unions for university teachers in the United States.

(c) Unionisation of Support Staff and Students

Faculty have seen the gains achieved by both organised students and various groups of non-academic staff, both in material terms and in the demand for a voice in the governing process over the past ten years. The improvement in the position of these other groups is undoubtedly an impetus to Faculty to restore their earlier privileged position in the decision-taking process.

(d) Restriction of Opportunity

The traditional way for an academic to express his displeasure with an institution was to find a position elsewhere - similarly the University could reward the best of its Faculty through individual promotion, improved research facilities, the provision of support staff, etc. Unfortunately these options are no longer easily accessible.

(1) Negative or zero-growth situations have reduced the number of alternative positions and increased the numbers applying for the few available.

(2) Within institutions, advancement has become more difficult as resources contract and demands increase, and

(3) Paradoxically, the success of Faculty unions in protecting the position of the less successful staff has reduced the Universities' ability to reward the better qualified.

ALTERNATIVE FORMS OF PARTICIPATION

Once organised into Trade Unions, Faculty inevitably seek effective ways of influencing the decision-making process - in particular those decisions which affect the interests of their own membership. Some Unions take a view that nothing less than full membership of the Governing Body, as a Union, will meet their demands, but the majority perceive the difficulties implicit in such a suggestion and concentrate on effective methods of consultation, while reserving their right to challenge decisions with which they may not agree.

I identify three separate approaches by Unions to this question - full participation, an observer role, and non-participation.

(a) Full Participation

This is the objective of those who traditionally have had the least voice - i.e. non-academic staff, or non-fulltime, non-tenured academic staff.

Clive Jenkins, General Secretary of the British Association for Scientific, Technical and Managerial Staffs (ASTMS), has stated (Times Higher Educational Supplement, 26.5.1978)

> Universities represent one of the last enclaves of uninhibited authoritarianism

and his Union seeks recognition on Governing Bodies as

> an Independent Trade Union position with the representatives concerned reporting back to their constituents through their organisations with the resources and ability to take an independent line and, where necessary, effect policy changes.

Not surprisingly, the United Kingdom Committee of Vice-Chancellors and Principals rejects this view and says of non-teaching staff, when elected to Council

the election should be organised in such a way as to ensure that the members will be representative of all staff.

Faculty Unions have not yet insisted on this objective.

(b) Observation

The view of the British Association of University Teachers (AUT) is set out in its draft document on Industrial Democracy (1978)

The main objective of AUT policy is to secure adequate involvement of academic and academic related* staff in the government of their own institutions

(*It should be noted that AUT includes among its membership both administrative and library staffs.)

It goes on

The view of the AUT is that by and large it does not want to be represented as a trade union on the standard university governing bodies. It wants academic and academic-related staff, the majority of whom in any case belong to the AUT, to be represented on these bodies as members of staff.

The AUT later says

..... as a trade union (it) does not want to press for voting rights on governing bodies since this might perhaps endanger its more important negotiating rights with the University authorities

and finally, in relation to non-academic staff, the AUT feels

..... they should enjoy representation on those governing bodies that are not primarily concerned with academic matters.

The American Association of University Professor (AAUP) takes an even less rigid position than their British counterparts and their

statement on government of Colleges and Universities does not see Faculty represented on Governing Bodies. It does, however, require that the Governing Body

> concur with the faculty judgement ..... on questions of faculty status, as in other matters where the faculty has primary responsibility

(earlier defined as

> such fundamental areas as curriculum, subject matter and methods of instruction, research, and those aspects of student life which relate to the educational process).

Again, to a British or Irish observer, this seems an excessively subordinate position, but one which may change with the growing tide of Collective Bargaining agreements in the United States.

(c) Non-participation

The third attitude, that of rejecting the right of organised staff to participate in the governing process, is not, as one might expect, an extreme minority view, but one held by many senior Faculty. Professor D.A. Sobermann, mediator of the protracted Laval University dispute states

> I find it difficult to support the unionisation of faculty on an industrial model within a system of collegial decision-making.

Those holding such views find a role for Faculty unions in making written representations to governing bodies, in possibly asking to be heard personally on issues of importance, but essentially concentrating on negotiation with the governing bodies' nominated representatives or, in extreme cases, finding no justification in the academic environment for the presence of academic unions.

How then can we reconcile these conflicting viewpoints, and to what extent is there a common perception? History has played its part in the evolvement of academic unions, and it seems beyond coincidence that in Britain and Ireland, where the Trade Union movement had its beginning and is best represented, the overwhelming majority of Faculty are unionised.

In North America, however, the development of the Trade Union movement has been slower than in Europe, and this is shown in the small number of universities so far organised.

CONTINENTAL EUROPE

I have concentrated so far on the English-speaking countries, not from a desire to ignore the European context as from unfamiliarity with its problems and lack of printed material on their treatment.

It is clear, however, that the employment situation of Faculty in many European countries is less independent than their British, Irish or North American counterparts, as a meeting of the European Liaison Committee of IAUPL Seminar in 1975 makes clear. Statements to that seminar pointed out that in France and Holland, University teachers are Civil Servants and that in Belgium their salaries are "fixed by law". This, to our eyes, unusual situation may explain the paucity of discussion on the application of Industrial Democracy to the European situation, and the fact that university governance does not merit even a mention in the final communique of that IAUPL Seminar. A later meeting of the same group, however, held in Brunsels in May of 1977, did hold a special session on 'Participation in University Government', but again a reading of the report does not suggest that the issue was a burning one and the final recommendation seems indecisive.

Recommendation

"In decisions concerning Research and Teaching in Universities, academic staff should be given the greatest say"

Making all allowances for the difficulties in reaching agreed wordings for communiques which avoid utter blandness, such a recommendation does not suggest that an attempt was made to identify such decisions. Indeed, what university decision can be made without at least some residual effect on Teaching and Research? Neither do we find a definition of 'the greatest say' (the French translation refers to 'la voix prépondérante', which is no more helpful). It may also be indicative that, in addition to Britain and Ireland, only the Finnish delegate is quoted as having contributed.

CONSULTATION AND DECISION-MAKING

Most Unions draw a clear distinction between 'consultation', which includes the need for an efficient two-way flow of information, and 'decision-making', with its full involvement of organised Faculty in the process of government.

Even the advocates of the second policy, however, reflect many of the cautious qualifications of the first, and this is best seen in the American Association of University Professors 1973 Statement on 'Collective Bargaining', which identified

> the need for a model ..... to achieve academic freedom and tenure and the primary responsibility for determining academic policy.

The AAUP distinction between 'academic' and 'non-academic' decisions is common to all academic unions. Others would also support the AAUP statement that

the difference in the weight of each voice should be related to (the) responsibility of each component for the matter in hand but, again, it is difficult to find an adequate definition of such a decision, and one must query the possibility of segregating decisions on syllabi, curricula, and conditions of academic appointment, which clearly affect Faculty, from the parallel decisions on budget and resources.

EMPLOYER/EMPLOYEE RELATIONSHIP

The difficulty most Faculty Unions find in adapting the traditional Employer/Employee relationship, which influences national legislation (referred to in Britain as 'Master and Servant' legislation), may explain the lack of a clear common policy on the question of Faculty participation in government.

The medieval university 'self-government' principle, which presupposes government predominantly by Faculty, makes it difficult to cast a university in the role of employer, not least when one considers the paradox of a Governing Body considering a request for improved conditions of service which, if granted, will affect themselves. The alternative mode of government, with a large 'lay', or non-Faculty, voice, may produce a Governing Body more obviously 'employer-like', but, again, Faculty are unwilling to cast them in that mould or, indeed, to see themselves as 'employees'. This conflict of identity can best be studied if we look at attitudes towards a Trade Union's traditional final weapon - withdrawal of labour, or 'strike'.

WITHDRAWAL OF LABOUR

The right to strike in support of a union's legitimate claims is its final sanction when all other forms of negotiations have failed -

for labour, it represents their only real threat to the power of management and employers recognise it as such. For university Faculty, however, it is the realisation that joining a union may one day force them to withdraw their labour, with all the social and financial considerations involved, which is the greatest drawback to unionisation.

University strikes are not unknown, although they are most prevalent among support staff, but academics have been known to strike, and the possibility must always be regarded as a real one. The reluctance of Faculty to strike, while still supporting the concept of unionisation, has its roots in the question of employer/employee relationships in universities.

The American Association of University Professors, in their first statement on strikes (1966) left no doubts as to their attitude:

> The Association does not endorse a strike against an academic institution.

This attitude reflects their earlier statement that professors are not employees, but 'officers' of a university. Attitudes change, however, and while the basic reluctance remains, the AAUP later modified their stance and held that, while a strike was still repugnant, it might be contemplated where a serious threat to academic freedom existed. Such a threat was not defined in detail, and one can only guess at the degree of argument which led to the change of mind. Surprisingly however, while the AAUP found strikes marginally acceptable, it went on to say that dismissal must be regarded as a logical sequel to withdrawal of labour. Again, this mirrors the differing attitudes to unionisation between North America, and Britain and Ireland, where such a dismissal might in itself - were it as a result of an authorised strike - be regarded as a serious threat to academic freedom.

A dilemma does exist - the senior university professor, no matter how strongly committed he may be to the concept of Unionisation, clearly has difficulty in recognising his own University as a capitalistic employer, and equally realises that his withdrawal of labour will affect his students more than his masters.

Other problems arise in relation to the mode of withdrawal - a recent dispute in Ireland by support staff led to a natural reluctance on the part of Unionised Faculty to pass picket gates at the entrance to the University, in accordance with normal Trade Union practise.

A difficulty arose, however, in distinguishing those faculty who had no lecture committments that day, and whose principles accordingly bothered no one, and caused them no financial embarrassment - a difficulty that led to the administration writing to individual Faculty to enquire if they had, in fact, withdrawn their labour on the day in question.

Finally, many Faculty recognise that their real opponent, particularly in matters relating to conditions of employment, is not the University but the State or Government who provide the bulk of university financing.

Continental professors are indeed, directly employed by the State, and their attitude to strikes would presumably reflect the public service picture in most countries - namely that Civil Servants do not, as a rule, resort to the ultimate weapon.

In Ireland, however, where the Department of the Public Service imposes pay policy on the Department of Education, who in their turn lay down guide-lines for the Higher Education Authority, who finally make a block grant to a theoretically independent university, the Faculty Union recognise that the

university cannot, in real terms, respond to Union pressure. They would not wish, however, to change the factual position that they are employed directly by the University, and not the State, and would also sympathize with the AAUP position on the undesirability of strikes - but they are prepared to engage in them when necessary, as their agreement with the universities shows.

> No form of industrial action . . . . shall take place unless and until the provisions (of the negotiating procedure) have been exhausted.

CONCLUSION

The questions posed at the beginning queried the applicability of traditional trade unionism, and its methods, to the academic context. They also considered the impact of Unionisation on governing body membership. It is not yet clear how far academics are prepared to carry the principles of Trade Unionism, but Faculty Unions must be regarded as a permanent way of life, and Universities who have not yet experienced them should study the experiences of those who have.

The question of Union representation on governing bodies will not be resolved satisfactorily - all Faculty, unionised or not, believe they have too little say in the running of their own institutions - some blame the administration, others the 'lay' representatives or the government appointees, but all will continue to press for a greater voice.

Unions as such recognise the freedom of action they retain by avoiding direct responsibility for University decisions, and most would concentrate on the need for improved communications, openness of government, and the

right to be consulted at all stages.

The most ideal system will however, in accordance with Murphy's famous dictum, break down, and Unions will continue to face the question of how far they are prepared to go to achieve their objectives - an academic strike must, therefore, always be regarded as a possibility, albeit an unlikely one.

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